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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,546	02/05/2004	Yusuke Muraoka	P/4178-11	8939
2352 7590 11/07/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER PATEL, RITA RAMESH				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
11/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,546

Applicant(s)

MURAOKA ET AL.

Examiner

RITA R. PATEL

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5,6,8,9,11,12 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,6,15,17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,9,11,12,16,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/30/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 8/13/08. Claims 2, 3, 5, 6, 8, 9, 11, 12, and 15-20 are pending. Claims 1, 4, 7, 10, 13, and 14 have been canceled. Claims 2, 3, 5, 6, 15, 17, and 18 are withdrawn from further consideration as being drawn to a non-elected invention. Claim 8 has been amended.

Applicant's arguments have been fully considered, but upon further search and consideration, the instant claims are rejected under a new grounds of rejection and thus, claims 8, 9, 11, 12, 16, 19, and 20 are finally rejected for the reasons of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9, 11, 12, 16, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullee (US Patent No. 6,306,564).

Mullee teaches a high-pressure processing apparatus, namely a resist removal system 30 (Fig. 2) comprising the following: a pressure vessel 40 which internally includes a wafer processing chamber 42 for executing a surface treatment on a semiconductor wafer; a pump (high-pressure fluid supplier) which feeds carbon dioxide

from tank 90 under pressure; a solvent chamber 44, 46 (mixing bath); conduits in connection with the solvent addition sources (chemical agent supplier) having valves 72, 80 connected thereto; valves 68, 74, 70, 76, 82, 78 (feedback control) for controlling the channel of high-pressure fluid to flow through either solvent loop 116 or 118; and a recirculation loop 133 (recovery unit). The conduits in connection with the "solvent addition" sources are provided with valves 72, 80 for supplying all or some of chemical agents which are different from each other to said mixing baths 44, 46. The channel control system causes the mixture to be sent into the pressure vessel 40 (see col. 4, lines 3-8, 54-65).

Also Mullee illustrates conduits are formed between the solvent chambers directed towards the pressure vessel at least for collecting solvent from solvent chambers and combining/blending solvent therein (blending means occurs in said conduits), valves exist throughout the system including but not limited to valves 70 and 78 (plurality of flow rate means), and there is a pump 92 (pumping means) which is in connection with at least the plural solvent chambers 44, 46 (chemical agent suppliers).

Mullee discloses the claimed invention as a single system; however it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the entire system such that many substrates can be processed simultaneously for large scale production. It is well settled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 124 USPQ 378 (CCPA 1960). Duplication of the system would result in increased wafer processing tanks, mixing tanks, pressure vessels, supply units and pumps, and thus

decrease processing time because the wafers can all be processed concurrently. The duplication of said system would adhere to known and expected results in the wafer processing art since it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the same exact functions except for multiple wafers rather than just a single wafer.

Moreover, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the use of the pumping means 92 such that there exist duplicate pumps throughout the machine, such as in between conduit line 43 and the solvent chambers 44, 46. It is well settled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 124 USPQ 378 (CCPA 1960). Duplication of pump 92 would merely increase already known pump functions such as increased pressure flow, allow increased mixture of fluids, allow more fluid to be processed in a shorter period of time, and help from getting the conduits or solvent chambers clogged with stagnant fluid therein. No new or unexpected results are produced by merely duplicating the pump means 92 of Mullee, rather an increase in already known pumping functions is beneficially achieved.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA R. PATEL whose telephone number is (571)272-8701. The examiner can normally be reached on M-F: 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1792

/Rita R. Patel/
Examiner, Art Unit 1792